

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

326 LAND COMPANY, LLC,	)	
Plaintiff,	)	
	)	No. 1:22-cv-45
-v-	)	
	)	Honorable Paul L. Maloney
CITY OF TRAVERSE CITY, <i>et al.</i> ,	)	
Defendants.	)	
_____	)	

**ORDER STRIKING SUR-REPLY**

Plaintiff 326 Land Company filed an objection to a document filed by Defendants (ECF No. 68). Plaintiff filed a motion for summary judgment for counts 2 and 4 (ECF No. 54). Defendants filed a response (EF No. 62). Plaintiff filed a reply (ECF No. 66). Defendants then filed the document to which Plaintiff objects (ECF No.67).

Defendants captioned the document as a supplemental response and filed it on the electronic docket using the response function. It is not a response; in the first sentence of the brief, Defendants indicate that it is providing “clarification of some of the factual claims made in Plaintiff’s reply brief” (ECF No. 67 PageID.2463). Parties typically refer to such a document as a sur-reply.

As Plaintiff’s note, the local rules do not provide for sur-replies. *See* W.D. Mich. LCivR 7.2(c). Defendants should have sought leave to file the document. *See id.* 5.7(f). The Court **STRIKES** the document (ECF No. 67). **IT IS SO ORDERED.**

Date: March 31, 2025

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge